

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO DESIGNATE A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) FOR A LIMITED TIME FRAME ON HAVERHILL ROAD FROM PURDY LANE TO 10TH AVENUE NORTH FOR THE PURPOSES OF THE PROPOSED ABBEY PARK MUPD); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 14 & 28 and March 14, 2003 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 2, 2003 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 23, 2003 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 20, 2003 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1 WHEREAS, the written comments submitted by the Department of
2 Community Affairs contained no objections to the amendments contained
3 in this ordinance;

4 WHEREAS, on August 21, 2003 the Palm Beach County Board of County
5 Commissioners held a public hearing to review the written comments
6 submitted by the Department of Community Affairs and to consider
7 adoption of the amendments; and

8 WHEREAS, the Palm Beach County Board of County Commissioners has
9 determined that the amendments comply with all requirements of the
10 Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14 Part I. Amendments to the 1989 Comprehensive Plan

15 Amendments to the text of the following Element of the 1989
16 Comprehensive Plan are hereby adopted and attached to this Ordinance
17 in Exhibit 1:

- 18 A. Transportation Element, to place a Constrained Roadway at a
19 Lower Level of Service (CRALLS) designation, for a limited
20 time frame on Haverhill Road from Purdy Lane to 10th Avenue
21 North for the purposes of the proposed Abbey Park MUPD;
22 B. Amending all elements as necessary for internal
23 consistency.

24 Part II. Repeal of Laws in Conflict

25 All local laws and ordinances applying to the unincorporated area
26 of Palm Beach County in conflict with any provision of this ordinance
27 are hereby repealed to the extent of such conflict.

28 Part III. Severability

29 If any section, paragraph, sentence, clause, phrase, or word of
30 this Ordinance is for any reason held by the Court to be
31 unconstitutional, inoperative or void, such holding shall not affect
32 the remainder of this Ordinance.

33 Part IV. Inclusion in the 1989 Comprehensive Plan

34 The provision of this Ordinance shall become and be made a part
35 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
36 Ordinance may be renumbered or relettered to accomplish such, and the

word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

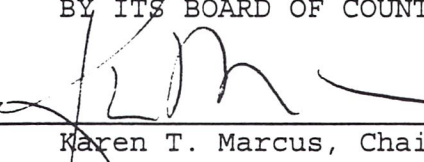
The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 21 day of August, 2003.


ATTEST:
DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By:  Deputy Clerk

By:  Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the 28 day of
August, 2003.

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EXHIBIT 1

A. Transportation Element, Haverhill Road Constrained Roadway at Lower Level of Service (CRALLS)

REVISIONS: To add language in Policy 1.2-f designating segments of Haverhill Road as a temporary CRALLS facility. The added text is shown in underlined.

REVISED Policy 1.2-f: The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. (*Unchanged text omitted for brevity*)

29) The following roadway segments are hereby designated as a CRALLS facility:

- a) Haverhill Road from Purdy Lane to Cresthaven Boulevard
 - Daily level of service standard: 24,340 vehicles per day
 - Average Peak hour standard: 2,266 vehicles per hour
 - Peak hour directional standard: 1,702 vehicles per hour
- b) Haverhill Road from Cresthaven Boulevard to 10th Avenue North
 - Daily level of service standard: 19,489 vehicles per day
 - Average Peak hour standard: 1,814 vehicles per hour
 - Peak hour directional standard: 947 vehicles per hour

This CRALLS designation will only be applicable to the Abbey Park Commercial MUPD in which development shall be restricted to 104,000 sq.ft. self-storage and a retail drugstore of up to 16,000 square feet for the retail component of the development program. This CRALLS designation shall no longer be in effect based on any of the following events occurring:

- 1) December 31, 2006.
- 2) The letting of the contract to widen Haverhill Road from three (3) to five (5) lanes from Purdy Lane to 10th Avenue North.

CRALLS Mitigation Measures are to be implemented in conjunction with the Haverhill Road CRALLS including the following:

- 1) Develop Connectivity – The Developer will, through site planning, construct a direct vehicular and pedestrian connection on Abbey Road to provide connectivity between the adjacent residential development and the proposed multiple-use Abbey Park Commercial MUPD.
- 2) Improve Transit – The Developer will provide easements on the Abbey Park Commercial MUPD property on Haverhill Road and on Forest Hill Boulevard for the future construction of bus shelters.
- 3) The Abbey Park Commercial MUPD shall not utilize this CRALLS until the following occurs:
 - a) The developer contributes one million dollars, reimbursable by the County towards acceleration of widening of Haverhill Road; and
 - b) The developer contributes an additional \$100,000, beyond its impact fee, towards the widening of Haverhill Road. This \$100,000 could be used for carrying cost of the one million dollar advancement; direct contribution if the one million dollar contribution is not advanced at the time the contract for Haverhill Road is let; or some combination of the two.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 21, 2003.
DATED at West Palm Beach, FL on 9/19/03.
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.